



25 JUL 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of	:	
Jakusch et al.	:	
Application No. 09/856,416	:	DECISION
PCT No.: PCT/US99/25781	:	
Int. Filing Date: 02 November 1999	:	ON
Priority Date: 19 November 1998	:	
Atty. Docket No.: 54567USA1A.013	:	PETITION
For: Non-Woven Adhesive Tape For The	:	
Manufacturing Of A Diaper...	:	

This is in response to the "Request For Reconsideration" filed on 21 April 2003.

DISCUSSION

In a petition filed on 11 December 2002, petitioner alleged that the application became abandoned because "neither the Filing Receipt nor the Notice of Missing Parts was received by applicants." As explained in MPEP 711.03(c), and following *Delgar v. Schuyler*, 172 USPQ 513 (D.D.C. 1971), an adequate showing of non-receipt of papers mailed to applicant by the Office must include (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket records must also be referenced in petitioner's statement). Petitioner had previously satisfied requirement (1). A review of the totality of evidence now of record establishes that, within the practice under MPEP 711.03(c), petitioner has now satisfied requirements (2) and (3) as well. As such, it would be appropriate to grant the requested relief on the basis of the present record.

DECISION

The petition is **GRANTED**.

The Notice Of Abandonment mailed on 22 November 2002 is **VACATED**.

This application is being returned to the National Stage Processing Branch for further processing, including the preparation and mailing of a new Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an executed oath or declaration and a surcharge under 37 CFR 1.492(e).

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